

REMARKS

The Official Action of February 11, 2004, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 13-22, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-12 have been canceled in favor of new claims 13-22 which remain in the application for consideration.

In response to the Examiner's objection to the specification, Applicant has amended the specification to include paragraph headings similar to those suggested by the Examiner, and a new substitute abstract deleting the reference to Fig. 2. Applicant respectfully submits that this objection has now been overcome.

In response to the Examiner's rejection of claims 1-12 under 35 U.S.C. 112, second paragraph, Applicant has canceled claims 1-12 in favor of new claims 13-22 which have been drafted to clearly and positively claim the structure which comprises an operative kit. Applicant respectfully submits that this rejection has now been overcome.

The Examiner has further rejected claims 1-12 under 35 U.S.C. 102(b) as being anticipated by LeFebvre '156, and claims 1-3, 7 and 8 under 35 U.S.C. 102(b) as being anticipated by Petruzzi '219. Applicant respectfully traverses these rejections especially as applied to new claims 13-22.

In LeFebvre, there is a pusher (20) adapted to expel the filter out of a down-sheath (18). But the filter and the pusher (20) are two separate elements. The filter is not fixed on the end of the pusher as claimed. Accordingly, LeFebvre does not disclose a stem comprising flexible legs provided to withdraw a filter from a blood vessel. Accordingly, Applicant submits that LeFebvre does not anticipate the claimed invention.

The device of Petruzzi is not a complete kit for the withdrawal of a filter as claimed, but must be used in conjunction with endoscopic instruments. The man skilled in the art knows that a fiberscope is considerably more complex than a mere catheter which is essentially a tube.

A fiberscope comprises, *inter alia*, optical fibres for illuminating the path of the fiberscope, other optical fibres to allow the practitioner to see the furtherance of the device in the human body, control devices to modify the curve

of the fiberscope, etc. Therefore, even though a catheter may be an accessory of a fiberscope, a fiberscope cannot be considered by the skilled artisan as a catheter.

Furthermore, in Petruzzi, the tubular sheath 54 cited as being equivalent to the claimed second catheter (11) cannot be slidably engaged in and over the entire lengthy of the first external catheter (1) (element 60 in Petruzzi) as claimed by Applicant. As seen particularly in Figure 6, the "wide-mouthing" form of distal end of sheath 54 does not allow its introduction into the proximal end of the external catheter 60, particularly when the claimed third catheter has been removed.

Finally, a fiberscope has no need of the claimed third catheter allowing the dilation of the blood vessels during the introduction of the claimed device, since the external part of the distal end of the fiberscope provides the required dilation.

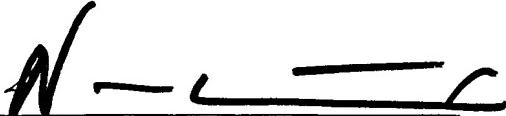
The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Appln. No. 10/018,083  
Amdt. dated August 11, 2004  
Reply to Office Action of February 11, 2004

Favorable reconsideration and allowance are  
earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By   
Norman J. Latker  
Registration No. 19,963

NJL:ma  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\bn\r\rinu\nigon1\pto\Amendment-A.doc